

Gulfport Police Department Shoplifting Prevention



Gulfport Police Department

Shoplifting Prevention

Gulfport Police Department Shoplifting Prevention



What constitutes Shoplifting in Mississippi under the Law?

MS Code 97-23-93

“Any person who shall wilfully and unlawfully take possession of any merchandise owned or held by and offered or displayed for sale by any merchant, store or other mercantile establishment with the intention and purpose of converting such merchandise to his own use without paying the merchant's stated price therefor shall be guilty of the crime of shoplifting”

- (a) Conceals the unpurchased merchandise;
- (b) Removes or causes the removal of unpurchased merchandise from a store or other mercantile establishment;
- (c) Alters, transfers or removes any price-marking, any other marking which aids in determining value affixed to the unpurchased merchandise, or any tag or device used in electronic surveillance of unpurchased merchandise;
- (d) Transfers the unpurchased merchandise from one container to another; or
- (e) Causes the cash register or other sales recording device to reflect less than the merchant's stated price for the unpurchased merchandise.

MS Code 97-23-93.1.

“Shoplifting; use of theft detection device remover prohibited; use of theft detection shielding device prohibited; activation of anti-shoplifting device constitutes probable cause for detention.”

Gulfport Police Department

Shoplifting Prevention



Who shoplifts?

- ✓ About 24 percent of apprehended shoplifters are teens between 13 and 17 years old.
- ✓ Shoplifters come from all walks of life and range from the well-to-do to the homeless.
- ✓ 37.7% of all persons arrested for shoplifting are females.
- ✓ Amateurs make up the largest number, not professional thieves. These are “everyday” people who steal on impulse, because they see an item they greatly desire, or for a thrill. They tend to believe they won’t get caught or sent to jail.
- ✓ Most are customers who steal frequently from places where they regularly shop.
- ✓ Some are professional thieves who make their living by stealing and selling goods, but this is a much smaller group than the amateurs.
- ✓ Drug addicts steal to support their habit. Drug addicts will steal in a brazen manner when they are desperate. They steal to obtain property that can be sold easily to obtain money to buy drugs.
- ✓ Desperate people steal because they need food, but they make up only a very small number of shoplifters.
- ✓ Kleptomaniacs, a tiny minority of shoplifters who have a mental disorder that makes it difficult to overcome their urge to steal. Interestingly enough, kleptomaniacs make up less than 1% of all shoplifters. They often steal what they do not need.
- ✓ Shoplifting is the most costly property crime in the United States.
- ✓ An estimated seven cents (\$.07) of every dollar a store charges is a built in cost to cover shoplifting losses.
- ✓ The average apprehended shoplifter has \$150 in shoplifted merchandise on his/her person.

Gulfport Police Department Shoplifting Prevention



Why Do People Shoplift?

- ✓ Many want to see if they can get away with it.
- ✓ Some use the excuses, “This is a big store, they can afford it,”
- ✓ “I don’t have enough money,”
- ✓ “Stores just write it off as a business expense.”
- ✓ Many teens shoplift on a dare, thinking their friends will call them “chicken” if they don’t go along with the dare. Other teens are just looking for excitement.

Put a stop to shoplifting!

**Shoplifters assume they won’t get caught. Your strategy is to prove them wrong.
The following tips require thought and ingenuity, but cost very little.**

- ✓ Be alert for disturbances that distract sales people and cashiers.
- ✓ Discourage socializing on the sales floor. A group of employees in one spot usually means inadequate coverage somewhere else.
- ✓ Alert employees are your best defense.
- ✓ Establish procedures for them to follow if they suspect shoplifting, and make sure they are familiar with shoplifting laws.
- ✓ Make sure you can see everything that goes on in your store. Keep counters low, no more than waist-high.
- ✓ Mount mirrors in corners so there are no blind spots.
- ✓ Arrange counters and display tables so there’s no direct route to the exit. Some stores put turnstiles at entrances so the only way out is to pass the checkout counters.
- ✓ Place expensive items in the center of the store away from exits.
- ✓ Arrange displays so that missing items are easily noticed. Place small items in neat rows or clearly defined patterns.
- ✓ Attach inventory alarm tags to expensive merchandise. Reverse alternate hangers of hanging garments to prevent “grab and runs.”
- ✓ Announce and observe a zero tolerance policy to prosecute shoplifters. The threat of being caught, questioned by police, put on trial and maybe even put in jail may be enough to discourage shoplifters.

Gulfport Police Department Shoplifting Prevention



What shoplifters use

Shoplifters use the following to conceal items:

- ✓ Bulky clothing: coats, pants and maternity outfits.
- ✓ Packages, bags, backpacks and purses are hiding places, and sometimes they may have false bottoms.
- ✓ Special props include hollowed-out books, fake casts, umbrellas, secret pockets, belts or hooks under coats.
- ✓ Folded newspapers or magazines are used to hide small or fl at items.
- ✓ Aids shoplifters use to conceal property include:
 - 1) Shopping Bags
 - 2) Umbrellas
 - 3) Knitting Bags
 - 4) Books
 - 5) Diaper Bags
 - 6) Strollers
 - 7) Briefcases
 - 8) Purses
 - 9) Paper Bags
 - 10) Fanny Packs

Gulfport Police Department Shoplifting Prevention



What to look for

- ✓ Be aware of customers' hands and their pockets, purses, handkerchiefs.
- ✓ Notice open packages, purses, shopping bags, backpacks.
- ✓ Watch for customers who have wandering eyes and are lingering in hidden areas.
- ✓ Watch groups of people, especially if a person tries to distract you.
- ✓ Pick up a lot of merchandise with no apparent attempt to purchase.
- ✓ Seem nervous and who do not want assistance.
- ✓ Are fussy and keep interchanging articles frequently.
- ✓ Loiter, appear uninterested, or claim to be waiting for a friend.
- ✓ Watch for the customer who just "wanders about" the store. He/she may be waiting for an "opportunity" to steal.

Costs for the Individual Teen Who Shoplifts

- ✓ When salespeople or security officers catch shoplifters, they call the police, who then arrest the suspects and take them to the police station.
- ✓ Children and teens may be released into their parents' custody if it's their first offense.
- ✓ The case may be referred to a juvenile office, which can recommend an appropriate punishment, or sent directly to the juvenile court where a judge decides the penalty.
- ✓ Everyone will find out about the arrest because police or court officers will interview the shoplifter's parents, neighbors, and school while they're writing the report on the crime.
- ✓ If teens are caught shoplifting, their juvenile police records are supposed to be confidential and unavailable to future employers, but sometimes that information does get out.

Gulfport Police Department Shoplifting Prevention



What Happens in a Community?

- ✓ A neighborhood store closes because the owner loses too much money to shoplifting. (Thirty percent of business failures in the United States are due to shoplifting and employee theft.)
- ✓ A store victimized by shoplifting has to lay off employees because revenue is very low.
- ✓ The neighborhood store's customers may have to travel farther to shop after the store closes.
- ✓ If the store stays in business, the owner may raise prices to pay for extra security equipment or guards.

Reporting Employee Theft

An astonishing number of employees, 81,630 of them were apprehended for theft from their employers in 1999. On a per-person basis, dishonest employees steal approximately 8.6 times the amount stolen by shoplifters (\$847.81 vs. \$98.56).

You should take the time to speak with your manager about how to deal with employee theft before the situation arises. Your stores policy is what you should refer to.

Other Tips

- ✓ Call your companies Hotline if it provides one, Many large chains have a hotline to you can call to report co-worker theft.
- ✓ Tell a Manager, Security Guard, or Loss Prevention Officer if your workplace has a potential employee who is stealing from their place of business.
- ✓ Send an anonymous letter to your place of employment if you want to limit your involvement with the investigation. Detail your suspicions and include facts.
- ✓ Understand that there is no profile for an employee who steals from their place of employment.

Gulfport Police Department Shoplifting Prevention



Apprehension Procedures

Every store should have a definite policy on handling shoplifters.
The policy should include the procedures listed below:

- ✓ Watch the shoplifter take the property.
- ✓ Watch the shoplifter conceal the merchandise on his/her person.
- ✓ Watch the shoplifter continuously, and be certain the merchandise is not “ditched” or passed on to an accomplice.
- ✓ Apprehension does not necessarily have to be initiated outside the store. If he/she has concealed the item and passes the checkout counter without paying, apprehension is justified.
- ✓ Stop the shoplifter, identify yourself, and tell him/her to give you the merchandise. Try not to use force. Do not take any action that may bring harm to yourself, another employee or customer.
- ✓ Call the Gulfport Police Department immediately after the apprehension. [228-868-5959](tel:228-868-5959)

Gulfport Police Department Shoplifting Prevention



Reporting Guidelines

Speed is of the essence when you report shoplifting. The faster you report this crime the faster the police will be able to respond. Here are a few tips to help you report the suspects to us.

Suspect Physical Appearance

- ✓ Age , Sex, Race
- ✓ Height, Weight
- ✓ Hair color and style, Eye color
- ✓ Scars, Marks, Tattoos
- ✓ Speech
- ✓ Physical Condition
- ✓ Physical Build
- ✓ Teeth
- ✓ Glasses
- ✓ Facial Hair
- ✓ Appearance
- ✓ Clothing (Shirt, Pants, Hat, Shoes, Jewelry)

Suspect Vehicle

- License Number, State
- Make
- Model
- Color
- Damage, Decals, Tint, Wheels, or any other

Be sure to get the direction of the suspect should they leave the store prior to the Police arriving. Be able to tell us which way they left such as North, South, East, West.

Shoplifting techniques are as varied as people's imaginations. Training employees to detect and prevent shoplifting should be a continued effort.

Gulfport Police Department

Shoplifting Prevention



MISSISSIPPI CODE OF 1972

As Amended

SEC. 97-23-93. Shoplifting; elements of offense; presumptions; evidence; penalties.

(1) Any person who shall wilfully and unlawfully take possession of any merchandise owned or held by and offered or displayed for sale by any merchant, store or other mercantile establishment with the intention and purpose of converting such merchandise to his own use without paying the merchant's stated price therefor shall be guilty of the crime of shoplifting and, upon conviction, shall be punished as is provided in this section.

(2) The requisite intention to convert merchandise without paying the merchant's stated price for the merchandise is presumed, and shall be prima facie evidence thereof, when such person, alone or in concert with another person, wilfully:

(a) Conceals the unpurchased merchandise;

(b) Removes or causes the removal of unpurchased merchandise from a store or other mercantile establishment;

(c) Alters, transfers or removes any price-marking, any other marking which aids in determining value affixed to the unpurchased merchandise, or any tag or device used in electronic surveillance of unpurchased merchandise;

(d) Transfers the unpurchased merchandise from one container to another; or

(e) Causes the cash register or other sales recording device to reflect less than the merchant's stated price for the unpurchased merchandise.

(3) Evidence of stated price or ownership of merchandise may include, but is not limited to:

(a) The actual merchandise or the container which held the merchandise alleged to have been shoplifted; or

(b) The content of the price tag or marking from such merchandise; or

(c) Properly identified photographs of such merchandise.

(4) Any merchant or his agent or employee may testify at a trial as to the stated price or ownership of merchandise.

Gulfport Police Department

Shoplifting Prevention



(5) A person convicted of shoplifting merchandise for which the merchant's stated price is less than or equal to Five Hundred Dollars (\$500.00) shall be punished as follows:

(a) Upon a first shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or punished by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

(b) Upon a second shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or punished by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

(6) Upon a third or subsequent shoplifting conviction the defendant shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for a term not exceeding five (5) years, or by both such fine and imprisonment.

(7) A person convicted of shoplifting merchandise for which the merchant's stated price exceeds Five Hundred Dollars (\$500.00) shall be guilty of a felony and, upon conviction, punished as provided in Section [97-17-41](#) for the offense of grand larceny.

(8) In determining the number of prior shoplifting convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years prior to the shoplifting offense in question.

SOURCES: Laws, 1988, ch. 556, Sec. 1; Laws, 2003, ch. 499, § 8, HB 1121, eff from and after July 1, 2003.

Gulfport Police Department

Shoplifting Prevention



MISSISSIPPI CODE OF 1972

As Amended

SEC. 97-23-93.1. Shoplifting; use of theft detection device remover prohibited; use of theft detection shielding device prohibited; activation of anti-shoplifting device constitutes probable cause for detention.

(1) As used in this section:

(a) "Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.

(b) "Theft detection device remover" means any tool or device specifically designed or manufactured to be used to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.

(c) "Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.

(2) (a) A person commits unlawful distribution of a theft detection shielding device when he or she knowingly manufactures, sells, offers to sell or distributes any theft detection shielding device.

(b) A person commits unlawful possession of a theft detection shielding device when he or she knowingly possesses any theft detection shielding device with the intent to commit larceny or shoplifting.

(c) A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding said merchandise.

(d) A person commits unlawful use of a theft detection shielding device or a theft detection device remover when he or she uses or attempts to use either device while committing a violation of Section [97-23-93](#), Mississippi Code of 1972.

(e) Any person convicted of violating this subsection (2) is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for not less than thirty (30) days nor more than one (1)

Gulfport Police Department

Shoplifting Prevention



year, and fined not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00).

(3) (a) A person commits unlawful removal of a theft detection device when he or she intentionally removes any theft detection device from merchandise prior to purchase without the permission of the merchant or person owning or holding said merchandise.

(b) Any person convicted of violating this subsection (3) is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and such fine shall not be suspended, or the person shall be imprisoned not more than sixty (60) days, or both.

(4) (a) The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided notice has been posted to advise patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.

(b) The taking into custody and detention by a law enforcement officer, merchant or merchant's employee, if in compliance with the requirements of this section, does not render such law enforcement officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment, unlawful detention, malicious prosecution, intentional infliction of emotional distress or defamation.

SOURCES: Laws, 2001, ch. 558, § 1, SB2756, eff from and after July 1, 2001.

Gulfport Police Department Shoplifting Prevention



MISSISSIPPI CODE OF 1972

As Amended

SEC. 97-23-94. Aiding and abetting shoplifting by minor; penalty.

(1) In addition to any other offense and penalty provided by law, it shall be unlawful for any person eighteen (18) years of age or older to encourage, aid or abet any person under the age of eighteen (18) years to commit the crime of shoplifting as defined in Section [97-23-93](#). In addition to any other penalty provided by law, any person who violates this section shall be punished as follows:

(a) Upon a first conviction the defendant shall be guilty of a misdemeanor and fined not more than Seven Hundred Fifty Dollars (\$750.00), or punished by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.

(b) Upon a second conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or punished by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

(c) Upon a third or subsequent conviction the defendant shall be guilty of a felony and fined One Thousand Dollars (\$1,000.00), or imprisoned for a term not exceeding five (5) years, or by both such fine and imprisonment.

(2) In addition to the penalties prescribed in subsection (1) of this section, the court is authorized to require the defendant to make restitution to the owner of the property where shoplifting occurred in an amount equal to twice the value of such property.

SOURCES: Laws, 1994, ch. 595, Sec. 6, eff from and after July 1, 1994

Gulfport Police Department Shoplifting Prevention



MISSISSIPPI CODE OF 1972

As Amended

SEC. 97-23-95. Shoplifting; detention of suspect for questioning without incurring civil liability.

If any person shall commit or attempt to commit the offense of shoplifting, or if any person shall wilfully conceal upon his person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined herein. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution, unlawful detention or otherwise in any case where such merchant, merchant's employee or peace or police officer acts in good faith and upon reasonable grounds to believe that the person questioned is committing or attempting to commit the crime of shoplifting.

SOURCES: Laws, 1988, ch. 556, Sec. 2, eff from and after July 1, 1988.

Gulfport Police Department

Shoplifting Prevention



MISSISSIPPI CODE OF 1972

As Amended

SEC. 97-23-96. Civil remedy for shoplifting violations; written demand prior to commencing civil proceedings; recovery from parents or legal guardians of minors; costs.

(1) Any person who proves by clear and convincing evidence that he has been injured in any fashion by reason of any violation of the provisions of Section [97-23-93](#), Mississippi Code of 1972, has a cause of action for threefold the actual damages sustained or damages in the amount of Two Hundred Dollars (\$200.00), whichever is greater, reasonable attorney's fees and court costs in the trial and in any proceedings in appellate courts. The recovery of stolen goods regardless of condition shall not affect the right to the minimum recovery provided herein.

(2) Before filing an action for damages under this section, the person claiming injury must make a written demand for Two Hundred Dollars (\$200.00) or threefold the actual damages sustained, whichever is greater, of the person or accused liable for damages under this section. If the accused to whom a written demand is made complies with such demand within thirty (30) days after receipt of the demand, he shall be given a written release from further civil liability for the specific act of shoplifting by the victim making the written demand.

(3) Any victim who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his parents or legal guardian and who is liable for damages under this section if it is proven that the parents or legal guardian had knowledge of the minor's intent to violate the provisions of Section [97-23-93](#) or aided and abetted the minor in such violations. Foster parents shall not be liable for the acts of children placed with them.

Nothing in this section shall in any way be construed as to abrogate, compromise or violate any minor's right to confidentiality under any other provision of the Mississippi Code of 1972 or otherwise.

(4) In no event shall punitive damages be awarded under this section.

(5) In awarding damages, attorney's fees, expenses or costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover damages, attorney's fees, expenses or costs provided under other provisions of law.

SOURCES: Laws, 1991, ch. 498, Sec. 1, eff from and after July 1, 1991